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REMARKS

In response to the Office Action dated July 26, 2010, Applicants respectfully requests reconsideration. Claims 1-3, 5-10, 12-14, and 16-26 are now pending in this Application. Claims 1, 8, 12 and 18 are independent claims and the remaining claims are dependent claims. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1, 3, 5-7, 12, 14, and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0161340 to Sherman (hereinafter Sherman) in view of U.S. Patent No. 6,301,249 to Mansfield et al. (hereinafter Mansfield) and further in view of U.S. Patent application No. 2004/0085945 to Takabatake et al. (hereinafter Takabatake). Applicants respectfully disagrees with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the above-cited references.

Claim 1 recites in part "...subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgment." The Examiner stated that Sherman does not disclose subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgment.

To make up for the deficiencies of Sherman, the Examiner cites Mansfield, stating that Mansfield discloses this by its use of a NACK. A NACK is a form on an acknowledgment (a negative acknowledgment is an acknowledgement). In Mansfield, a NACK is required for packets that failed to reach their destination, in order for the transmitter to retransmit the frame. Accordingly, since Mansfield discloses a form on an ACK (a NACK) that is required so that failed transmissions get resent, Mansfield fails to read on claim 1. the Examiner further stated that Takabatake discloses sending an acknowledgement for frames not

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requiring an acknowledgement in Paragraph 105. A careful review of this Takabatake fails to disclose or suggest sending an acknowledgement for frames not requiring an acknowledgement. The Examiner failed to include any further description of the rejection over Takabatake other than simply stating that this is shown in paragraph 105. Takabatake discloses a first radio terminal 103 sending a packet to a second radio node 102 and wherein a third radio node 101 sends an ACK for the packet. Thus, there is still an ACK being sent (albeit from a different node) for the packet being sent from the first node to the second node, and Takabatake fails to disclose or suggest wherein there is sent an acknowledgement for frames not requiring an acknowledgement. If the Examiner is to maintain this rejection he is asked to point out with specificity where in Takabatake an acknowledgment is sent for frames not requiring an acknowledgement.

The claim limitation "...following a first frame, subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement.." provides an advantage over the prior art as generating a frame with the acknowledgement even for frames that do not require an acknowledgement enables the device to prepare the frame in advance saving time, which can be used for other processing such as encrypting or the like.

In view of the above claim 1 is believed allowable. Claims 8, 12 and 18 include similar language regarding an acknowledgment for frames not requiring an acknowledgement and are believed allowable for at least the same reasons as claim 1. In the rejection of claim 12 the Examiner cited Chow as a prior art reference, without giving a patent number or other means of identifying the Chow reference or including said reference with the office action. Applicants cannot distinguish over prior art that is not further identified other than just giving a name with no other means of identification. Claims 3, 5-7, 14, and 16-17 depend from claims 1, 8 or 12 and are believed allowable as they depend from an allowable base claim.

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2003/0161340 to Sherman (hereinafter Sherman) in view of Mansfield and Takabatake and further in view of well-known prior art. Claim 23 depends from claim 1 and is believed allowable as it depends from an allowable base claim.

Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and Takabatake and further in view of U.S. Patent Publication 2002/0118667 to Chintada et al. (hereinafter Chintada). Claims 2 and 13 depend from claim 1 or 12 and are believed allowable as they depends from an allowable base claim.

Claims 8, 10, 18 and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Takabatake and further in view of U.S. Patent Publication 2004/037320 to Dickson (hereinafter Dickson) and Mansfield. Claims 8 and 18 were discussed earlier, and are believed allowable for the reasons discussed above with respect to claim 1. Claims 10 and 21-22 depend from claim 8 or 18 and are believed allowable as they depends from an allowable base claim.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickson and Takabatake in view of Mansfield and further in view of well-known prior art. Claim 24 depends from claim 8 and is believed allowable as it depends from an allowable base claim.

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Dickson and Takabatake and further in view of Mansfield and further in view of Chintada. Claims 9 and 19 depend from claim 8 or 18 and are believed allowable as they depends from an allowable base claim.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and further in view of Takabatake and well-known prior art. Claim 25 depends from claim 12 and is believed allowable as it depends from an allowable base claim.

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Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Dickson, Takabatake in view of Chintada, in view of Mansfield and further in view of well-known prior art. Claim 26 depends from claim 18 and is believed allowable as it depends from an allowable base claim.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not and should not be considered a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

In view of the above, the Examiner's objections and rejections are believed to have been overcome placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

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If the submitted papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

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